

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.4360 OF 2007

Nathu Tukaram Koli ..Petitioner

Versus

The State of Maharashtra & Ors..Respondents

Shri R.K. Mendadkar for the Petitioner
Shri C.R. Sonawane, AGP for respondent Nos. 1 and 2.

CORAM : F.I. REBELLO &
R.M.SAVANT, JJ.

DATED : 20th June, 2007

P.C.

. The caste claim of the petitioner has been invalidated. Pursuant to that his services have been terminated. He has challenged this order on the ground that he had no sufficient opportunity.

2. We have gone through the impugned order. We find that the Committee initially has set out in para.4 of the order that sufficient opportunity was given to the petitioner to file reply to the enquiry report. The last such opportunity was given to the petitioner on 10th October,2005. Before that three other opportunities were given to him. He choose not to file reply. The matter was pending before the Committee between 2000-2005. It appears that after the last opportunity the petitioner has filed his reply. An enquiry was conducted. The school record of the petitioner's father shows his caste as Hindu Koli. The date of admission was shown as 10th August, 1951. The petitioner by his reply dated 8th December, 2005 by way of explanation has only stated that his grand-father must have wrongly

recorded the caste as Koli instead of Mahadeo Koli. As noted by the Supreme Court it is difficult for a person to forget the tribe to which he belongs to.

3. The petitioner was given notice for hearing on 7th December, 2005. He remained absent. Thereafter once again on 19th January, 2007 he was given opportunity to remain present. He sent an application of 18th January, 2007 stating that he was on Election Duty and could not remain present. In other words the enquiry was pending since 2000 to 2007 because of the non-cooperation of the petitioner. We do not find that the Committee was wrong in proceeding exparte.

4. Apart from that the enquiry report sets out that the petitioner's father was not in a position to show his affinity to Mahadeo Koli Scheduled Tribe. The petitioner's father was not aware of the religious customs of Koli Mahadeo Scheduled Tribe. These are purely findings of fact. The petitioner is unable to show any other documents which would have effect of neutralising the entry in the School records of the petitioner's father.

5. In the light of that no interference called for.
Petition rejected.

(F.I.REBELLO, J)

(R.M. SAVANT,J)